

Notice of Allowability

Application No.

09/739,922

Examiner

Lisa Hashem

Applicant(s)

VASSILOVSKI, DAN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 6-28-07.
2. ☒ The allowed claim(s) is/are 1-41 and 43-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. In view of the Appeal Brief filed on June 28, 2007, PROSECUTION IS HEREBY REOPENED. Upon close review of the claims, the prior art, and applicant's remarks in the Appeal Brief it appears that the allowance of claims 1-41 and 43-50 are appropriate.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Abdollah Katbab (Reg. 45,325) on 10-18-2007. Applicant's representative, Abdollah Katbab, agreed to the following changes without prejudice:

In claim 21, line 7,

the phrase "calling device; and" has been changed to

--calling device; comparing the number corresponding to the first state with the number corresponding to the second state; and--.

In claim 31, line 7,

the phrase "calling device; and" has been changed to

--calling device; comparing the number corresponding to the first state with the number corresponding to the second state; and--.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1-41 and 43-50 are appropriate.

The prior art of U.S. Patent No. 6,169,799 by McIntosh discloses in a communication device (e.g. calling party's telephone) (Fig. 1; col. 3, lines 15-44), a call having an associated number (e.g. dialed telephone number),
each number having a prefix portion and a suffix portion (e.g. area code and called party number),
a call being associated with at least one called party and a calling party,
the method comprising (col. 2, lines 3-50):
making an outgoing call;
dialing at least the suffix portion of the number (e.g. 7 digit telephone number) corresponding to the call on the calling device (e.g. dialing/entering the 7 digit telephone number by the caller);
comparing a number corresponding to a previous call with the same suffix (e.g. 10 digit telephone number) with the number corresponding to the outgoing call (e.g. 7 digit telephone number);
appending the prefix portion of the number corresponding to the previous call with the suffix portion of the number corresponding to the outgoing call; and establishing a new connection between the called device using the number corresponding to the outgoing call (col. 3, line 45 – col. 4, line 46; col. 4, line 66 – col. 5, line 29). The calling party dials a seven-digit telephone number on the telephone set and the processor of the telephone set compares the called party

Art Unit: 2614

telephone number or suffix to a group of called party numbers or suffixes stored in memory, if the dialed number matches the processor prepends a corresponding area code to the dialed called party telephone number and transmits the area code and suffix to the telephone network to initiate a new call rather than the new call is established for transitioning an existing call from a first state to a second state.

U.S. Pat. No. 6,505,040 by Kim discloses in a communication device (Fig 1A, 12) operable in at least two states, a method of transitioning between a call from a first state (e.g. first call; telephone user dials number to be called) to a second state (e.g. a conference call with a target conference device), each state having an associated number, each number inherently having a prefix portion and a suffix portion, the call being associated with at least one called device (Fig. 1A, 14) and a calling device (Fig. 1A, 12) (col. 8, lines 6-19), the method comprising:

requesting a change of state (e.g. this step reads on the called device sending a predetermined command to initiate a conference call to the caller device; the conference call is set up from the caller device);

sending at least the suffix portion of the number corresponding to the second state to the calling device (col. 9, line 62 – col. 10, line 21);

and establishing a new connection between the called device and the calling device using the number corresponding to the second state, wherein the new connection is established for transitioning the call from the first state to the second state (e.g. conference call) (col. 8, lines 41-61; col. 9, lines 1-52). The prefix or area code and suffix of the number corresponding to the second state is sent to the calling device rather than comparing the number of called device and

Art Unit: 2614

the number of the target conference device and appending the prefix of the called device to the number of the target conference device.

Therefore, the prior art do not meet the requirements of the claimed invention, which requires: to make a comparison of a prefix portion and suffix portion of a number associated with a first state with a suffix portion of a number associated with a second state and appending the prefix portion associated with the first state to the suffix portion associated with the second state to transition an established call in the first state to a new call in the second state, as cited in claims 1, 11, 21, 31, and 41.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

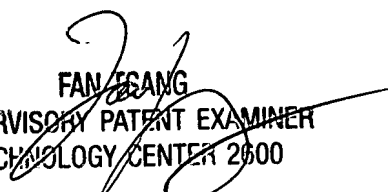
Art Unit: 2614

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
October 18, 2007


FAN TSANG
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